IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12963 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MANGLABEN KIRITBEN PATEL W/O KIRITBHAI GORDHANBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 12963 of 2003

MR AY KOGJE for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

RULE. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Sr. Standing

Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that place of birth stated in her old passport was Vaso-Kheda. On the basis of her old passport her place of birth was initially recorded as Vaso-Kheda in her passport (No.A-4880281). After the aforesaid passport has been issued to her, she has come to know that her correct place of birth is Lilongwe as recorded in the Register of Births and Deaths.

3. In the circumstances, the petitioner wants her correct date of birth to be recorded in her passport.

4. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner it has been stated that the petitioner was born at Vaso-Kheda. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, her application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct place of birth of the petitioner is Lilongwe, a new passport stating the correct place of birth shall be issued to her.

5. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born at Lilongwe. If the authority is satisfied that the correct place of birth of the petitioner is Lilongwe, I am sure that the authority shall issue a new passport recording the correct place of birth.

6. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

siji